

DENTISTRY EXAMINING BOARD
REGULAR MEETING
JANUARY 5, 2000

MEMBERS PRESENT: Mark Curran, DDS; Beth Jacko-Clemence, RDH; Bruce Barrette, DDS; Richard Strand, DDS; Wilbur Gill, DDS; David Carroll, RDH; Bruce Trimble, DDS; Nanette Kosydar Dreves, RDH; Cynthia Riffle, DDS

MEMBERS EXCUSED: Willa Jean Moore, Judith Ficks

LEGAL COUNSEL: Jacquelynn Rothstein

STAFF PRESENT: Patrick D. Braatz, Karen Rude-Evans

GUESTS PRESENT: Cindi Due, RDH and Leslie Lord – WDHA; Mara Graven and Dr. Tim McNamara – WDA; Maureen Oostdik-Hurd – DAAW

CALL TO ORDER

Chairman Mark Curran called the meeting to order at 8:41 a.m.

APPROVAL OF AGENDA

Amendments: Case Status Report; stipulations for Michael Fisher and Niles Bakke; requests for stays of suspension for Craig Moon, DDS, and James Blong, DDS; four letters regarding anesthesia training for hygienists

MOTION: Beth Jacko-Clemence moved, seconded by Bruce Barrette, to approve the agenda as amended. Motion carried unanimously.

ELECTION OF OFFICERS

MOTION: Richard Strand moved, seconded by Bruce Trimble, to nominate and reappoint Dr. Mark Curran as Chair. Motion carried unanimously.

MOTION: Bruce Barrette moved, seconded by Richard Strand, to nominate and reappoint Cynthia Riffle as Vice Chair. Motion carried unanimously.

MOTION: Cynthia Riffle moved, seconded by Beth Jacko-Clemence, to nominate and appoint Nanette Kosydar Dreves as Secretary. Motion carried unanimously.

APPOINTMENT OF SCREENING COMMITTEE MEMBERS

Richard Strand will be the new member of the screening committee beginning with the next meeting. Wilbur Gill is the Legislative Liaison and DOE Liaison, Judith Ficks is the IPP

Liaison, Nanette Kosydar Dreves is the Digest Advisor, and Beth Jacko-Clemence is on the Steering Committee.

APPROVAL OF MINUTES OF NOVEMBER 3, 1999

MOTION: Wilbur Gill moved, seconded by Beth Jacko-Clemence, to approve the minutes of November 3, 1999. Motion carried unanimously.

APPROVAL OF MINUTES OF TELEPHONE CONFERENCE CALL OF NOVEMBER 10, 1999

MOTION: Beth Jacko-Clemence moved, seconded by Bruce Trimble, to approve the minutes of the November 10, 1999 conference call. Motion carried unanimously.

APPROVAL OF MINUTES OF TELEPHONE CONFERENCE CALL OF NOVEMBER 22, 1999

MOTION: Cynthia Riffle moved, seconded by Nanette Kosydar Dreves, to approved the minutes of the November 22, 1999 conference call. Motion carried unanimously.

PRESENTATION OF PROPOSED STIPULATIONS

DOE presented proposed stipulations on Niles K. Bakke, DDS, and Michael C. Fisher, DDS. Jacqueline Rothstein excused herself from the meeting during the presentation on Michael C. Fisher, as she is the ALJ on this case.

SECRETARY CUMMINGS

Secretary Cummings addressed a number of topics. There are many changes occurring in healthcare and the recent changes with dentistry and anesthesia are good examples. Every day more medical services are being offered on the internet, and regulation of these services needs to be addressed. In the future, licensing may go the way of the Nursing Compact, meaning there would be national standards set for each profession. Old cases in DOE need to be cleared up and resolved. Case advisors need to work with DOE to resolve all cases as quickly as possible with the appropriate results.

DISCUSSION OF EDUCATION REQUIREMENTS FOR DENTAL HYGIENE ANESTHESIA CERTIFICATION

Legal Counsel's opinion is that the Board cannot prohibit an individual from being certified if the coursework was taken prior to the rule change. If an applicant has successfully completed the coursework and proves that it meets the criteria, that applicant should be certified.

MOTION: Cynthia Riffle moved, seconded by Bruce Trimble, to accept coursework that meets the requirements in Chapter DE 7 and was successfully completed prior to the rule change. Applications with courses that do not

meet Chapter DE 7 requirements must be reviewed by a Board member. Bruce Barrette voted no. Motion carried.

LETTER FROM MARQUETTE UNIVERSITY REQUESTING BOARD REPRESENTATIVE
TO PARTICIPATE IN ACCREDITATION SITE VISIT

MOTION: David Carroll moved, seconded by Richard Strand, to have Mark Curran and Cynthia Riffle available to participate in the accreditation site visit planned for Marquette University on November 14-16, 2000. Motion carried unanimously.

LETTER FROM AMERICAN DENTAL ASSOCIATION REQUESTING STATE BOARD
PARTICIPATION ON ACCREDITATION SITE VISIT

Mark Curran appointed David Carroll to represent the Board at the accreditation site visit for Northeast Wisconsin Technical College, Green Bay, WI.

2000 AADE MID-YEAR MEETING AND FORUM ON EXAMINATIONS

Cynthia Riffle and David Carroll will represent the Board at the 2000 AADE Mid-Year Meeting and Forum on Examinations March 5-6, 2000. Beth Jacko-Clemence is the alternate representative.

NATIONAL DENTAL EXAMINERS' ADVISORY FORUM

Cynthia Riffle was designated as the ADA representative.

CORRESPONDENCE FROM WDA RELATING TO DHSS REGULATING DENTAL X-RAY
MACHINES AND PROCESSING EQUIPMENT

MOTION: Richard Strand moved, seconded by Beth Jacko-Clemence, to have Wilbur Gill investigate this matter further and report back to the Board. Motion carried unanimously.

SUMMARY OF NPDB EXECUTIVE COMMITTEE MEETING – NOVEMBER 17, 1999

This item was informational only.

REVISED STRATEGIC PLAN FOR CENTRAL REGIONAL DENTAL
TESTING SERVICE, INC

Cynthia Riffle was very positive regarding the exam changes. Mark Curran has requested that an update on CRTDS be a regular agenda item.

LETTER FROM WILLIAM K LOBB, DEAN, MARQUETTE UNIVERSITY

MOTION: Bruce Barrette moved, seconded by Beth Jacko-Clemence, for Patrick Braatz and Mark Curran to meet with Dean Lobb. Motion carried unanimously.

REPORT ON LICENSURE REQUIREMENTS

MOTION: Cynthia Riffle moved, seconded by Beth Jacko-Clemence, to discuss at the next Board meeting the possibility of a system of remediation for the retake of CRDTS. Motion carried unanimously.

REGULATORY DIGEST ARTICLES

Articles for the next Regulatory Digest are now due.

RECESS TO CLOSED SESSION

MOTION: Nanette Kosydar Dreves moved, seconded by Cynthia Riffle, to recess to closed session pursuant to Chapter 19.85(1)(a), (b), (f) and (g), Wis. Stats., for the purpose of deliberation of proposed stipulations, deliberation of proposed decision on Frederick B. Gilbert, DDS, legal advice on request for hearing on Gilbert Callahan, considering requests for stays of suspension, meeting with Division of Enforcement investigators, reviewing case status reports and consulting with legal counsel. Roll call vote: Mark Curran – yes, Beth Jacko-Clemence – yes, Bruce Barrette – yes, Richard Strand – yes, Wilbur Gill – yes, David Carroll – yes, Bruce Trimble – yes, Nanette Kosydar Dreves – yes, Cynthia Riffle – yes. Motion carried unanimously.

Open session recessed at 12:18 p.m.

RECONVENE INTO OPEN SESSION

MOTION: Nanette Kosydar Dreves moved, seconded by Beth Jacko-Clemence, to reconvene in open session. Motion carried unanimously.

Open session reconvened at 3:10 p.m.

INFORMATIONAL ITEMS

TRANSCRIPT OF SUMMARY SUSPENSION HEARING ON BRIAN C PAINTER, DDS

The Board reviewed the transcript. The summary suspension was overturned by the Administrative Law Judge. The complaint will go to a hearing if there are no negotiations.

VOTING ON ITEMS CONSIDERED/DELIBERATED ON IN CLOSED SESSION

DISCUSSION ON DENIAL OF LICENSURE FOR GILBERT R CALLAHAN, DDS

MOTION: Wilbur Gill moved, seconded by Bruce Trimble, to grant a limited license in the field of orthodontics to Gilbert R. Callahan, with the consideration that the requirement for 48 months of practice is waived as an accommodation for his disability. Roll Call Vote: Bruce Barrette – no, David Carroll – no, Mark Curran – no, Nanette Kosydar Dreves – no, Wilbur Gill – no, Beth Jacko-Clemence – no, Cynthia Riffle – no, Richard Strand – abstained, Bruce Trimble – abstained. Motion failed.

PROPOSED DECISION ON FREDERICK B GILBERT, DDS

MOTION: Wilbur Gill moved, seconded by Richard Strand, to accept the Findings of Fact, with the exception of Finding of Fact #6. Motion carried unanimously.

MOTION: Wilbur Gill moved, seconded by Richard Strand, to accept the Conclusions of Law and to add Conclusion of Law #5. Motion carried unanimously.

MOTION Richard Strand moved, seconded by Nanette Kosydar Dreves, to modify the Proposed Decision and Order as follows: Frederick B. Gilbert's license to practice dentistry shall be suspended for 90 days. His license shall also be indefinitely limited subject to the following terms and conditions: (1) He shall not perform any fixed prosthodontics (crown and bridge work) on patients until he can demonstrate to the Dentistry Examining Board his competence to perform these procedures; (2) He shall take and successfully pass a course in fixed prosthodontics at an accredited school of dentistry approved by the Dentistry Examining Board. The course shall consist of didactic and clinical education that is comparable to a full undergraduate level course; (3) After completing the course in fixed prosthodontics, Frederick B. Gilbert shall undergo an assessment of his skills by a dentist approved by the Dentistry Examining Board. A copy of the assessment shall be forwarded to the Dentistry Examining Board for its review; and (4) If the Dentistry Examining Board finds the assessment to be acceptable, Frederick B. Gilbert may resume performing fixed prosthodontics but only under the supervision of a licensed dentist in the State of Wisconsin. Upon a showing by Frederick B. Gilbert that he has successfully complied with the limitations and conditions set forth above and has practiced dentistry in a supervised setting for a period of not less than two (2) years, the Dentistry Examining Board may grant his petition for a return to full licensure if it determines that he may safely and competently engage in the practice of dentistry. Frederick B. Gilbert shall be responsible for all costs associated with the completion of his required coursework, assessment, and supervision. Motion carried unanimously.

PROPOSED STIPULATIONS

MOTION: Cynthia Riffle moved, seconded by Beth Jacko-Clemence, to accept the stipulation on Niles K. Bakke, DDS. Nanette Kosydar Dreves abstained. Motion carried.

MOTION: Bruce Barrette moved, seconded by Nanette Kosydar Dreves, to accept the stipulation on Michael C. Fisher, DDS. Wilbur Gill abstained. Motion carried.

STAYS OF SUSPENSION

MOTION: Nanette Kosydar Dreves moved, seconded by Beth Jacko-Clemence to grant the three month stay of suspension but to deny the change in the weekly urine screens for Michael Mecikalski, DDS. Motion carried unanimously.

MOTION: Nanette Kosydar Dreves moved, seconded by Beth Jacko-Clemence, to grant the four month stay of suspension for Craig Moon, DDS. Motion carried unanimously.

MOTION: Nanette Kosydar Dreves moved, seconded by Beth Jacko-Clemence, to grant the four month stay of suspension for James Blong, DDS. Motion carried unanimously.

CASE STATUS REVIEW

MOTION: Beth Jacko-Clemence moved, seconded by David Carroll, to close complaint 93 DEN 120 for prosecutorial discretion. Motion carried unanimously.

MOTION: Cynthia Riffle moved, seconded by Richard Strand, to close complaint 99 DEN 047 for no violation. Motion carried unanimously.

MOTION: Beth Jacko-Clemence moved, seconded by Cynthia Riffle, to close complaint 97 DEN 031 for prosecutorial discretion. Motion carried unanimously.

MOTION: Richard Strand moved, seconded by Bruce Barrette, to close complaint 97 DEN 033 with prosecutorial discretion. Motion carried unanimously.

OTHER BOARD BUSINESS

MOTION: Bruce Barrette moved, seconded by Cynthia Riffle, to have a strategic planning session on the agenda for the March meeting. Motion carried unanimously.

ADJOURNMENT

MOTION: David Carroll moved, seconded by Beth Jacko-Clemence, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 3:31 p.m.

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